



**DEPARTMENT OF PLANNING & COMMUNITY
DEVELOPMENT**

810 Union Street
Room 508
Norfolk, VA 23510
(757) 664-4752
(757) 441-1569 (FAX)
www.norfolk.gov/planning

**ADULT USE SPECIAL EXCEPTION APPLICATION
ENTERTAINMENT ESTABLISHMENT**

Application Procedures

1. **A pre-application meeting is required.** To arrange for an appointment, please call (757) 664-4752.
2. Contact the Virginia Department of Alcoholic Beverage Control, 1103 S. Military Highway, PO Box 1486, Chesapeake, VA 23327-1486, 757-424-6700.
3. Contact appropriate Civic League to inform them of the request. Providing written documentation to Planning staff of any meetings, discussions with Civic Leagues can be helpful to the Planning Commission.
4. Submit completed application with all required attachments including:
 - For required application fee, see [fee schedule](#) (if check, please made payable to Norfolk City Treasurer).
 - ◊ Application fee includes a non-refundable \$5 technology surcharge.
 - Exhibit A, Description of Operations (attached)
 - Floor plan prepared by registered design professional
 - Must be approved by Bureau of Building Safety prior to processing application
 - Survey
 - Conceptual site plan (may be necessary if any site improvements are proposed or required)
 - Security Plan (Sample template attached)
 - Emergency Exit Plan
5. If it is determined that all required materials are provided, staff will submit the documents to Planning staff for distribution to the Entertainment Establishment Review Task force which consists of representatives from the following departments:
 - City Attorney's Office
 - Planning Department
 - Building Construction Services
 - Health Department
 - Crime Prevention
 - Commissioner of the Revenue
 - Fire and Rescue
 - Development
6. The owner/operator and all managers of the establishment must attend an Entertainment Establishment Review Task Force meeting to present the operational characteristics of the establishment and review the application.
7. Comments from the Task Force members will be provided to the applicant regarding any necessary modifications to the application.
8. The applicant will have one 1 week to resubmit the modified materials.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
LAND USE SERVICES**

5TH FLOOR

(757) 664-4752 / FAX (757) 441-1569

**ADULT USE SPECIAL EXCEPTION APPLICATION
ENTERTAINMENT ESTABLISHMENT**

Application Procedures

9. Once the necessary modifications are completed and approved, the Special Exception application may be submitted to the Department of Planning.
10. Planning Staff will place the application on the soonest possible Planning Commission public hearing agenda.
11. Staff will conduct a site visit to post notice and photograph property. Applicant does not need to be present.
12. Legal advertisement will be posted in *Virginian-Pilot*.
13. The Planning Commission may visit the site (generally on the 2nd Wednesday of the month). It is not necessary for the applicant to be present.
14. Prior to the public hearing the applicant will receive a copy of conditions pertaining to the request that staff is recommending. Please review the conditions. If you understand and do not oppose the conditions please return a signed copy of the conditions to the appropriate Planning staff person. If you have any questions or concerns, please contact staff.
15. Failure to attend the public hearing may result in a denial by the Planning Commission if there are questions about the request.
16. Public Hearing
 - Where: City Hall Building
11th Floor, Council Chambers
 - Time: 1:45 p.m.: If the applicant has not provided a signed copy of the applicable conditions to Planning staff.

2:15 p.m.: If the applicant has provided a signed copy of the applicable conditions to Planning staff.
17. During the Commission's hearing:
 - All those wishing to speak must register
 - Planning staff will present application and recommendation if there are unresolved issues
 - Applicant/Representative may make a presentation
 - Proponents may speak
 - Opponents may speak
 - The Planning Commission may ask questions at any time
 - The Planning Commission will make a recommendation on the application at their hearing which will be forwarded to City Council
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LAND USE SERVICES
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**ADULT USE SPECIAL EXCEPTION APPLICATION
ENTERTAINMENT ESTABLISHMENT**

19. The applicant may contact staff 2 weeks after the hearing to obtain

Application Procedures

19. In accordance with the *Zoning Ordinance*, construction shall begin or the use of land for which the special exception has been obtained shall commence within 12 months from the date the ordinance is adopted; otherwise the ordinance shall be void.
20. The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.

ADULT USE SPECIAL EXCEPTION APPLICATION ENTERTAINMENT ESTABLISHMENT

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
LAND USE SERVICES
5TH FLOOR
(757) 664-4752 / FAX (757) 441-1569**



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date _____

DESCRIPTION OF PROPERTY

Address _____

Existing Use of Property _____

Proposed Use _____

Current Building Square Footage _____

Proposed Building Square Footage _____

Trade Name of Business (If applicable) _____

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box) _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax number () _____

E-mail address of applicant _____

2. Name of property owner (Last) _____ (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box) _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of owner () _____ Fax number () _____

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CONTACT INFORMATION

Civic League contact _____

Date(s) contacted _____

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ **Sign:** _____ / _____ / _____
(Property Owner or Authorized Agent Signature) (Date)

Print name: _____ **Sign:** _____ / _____ / _____
(Applicant or Authorized Agent Signature) (Date)

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EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date _____

Trade name of business _____

Address of business _____

Name(s) of business owner(s)* _____

Name(s) of property owner(s)* _____

Name(s) of business manager(s)/operator(s) _____

Daytime telephone number () _____

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday	From _____ To _____	Weekday From _____ To _____
Friday	From _____ To _____	Friday From _____ To _____
Saturday	From _____ To _____	Saturday From _____ To _____
Sunday	From _____ To _____	Sunday From _____ To _____

2. Type of ABC license applied for (check all applicable boxes):

☐ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☐ Beer ☐ Wine ☐ Mixed Beverage

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Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☐ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☐ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☐ No

6a. If yes, explain:

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☐ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☐ Yes ☐ No

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Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

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Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) _____

Number of bar seats _____

Standing room _____

b. Outdoor

Number of seats _____

c. Number of employees _____

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = _____

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☐ Yes ☐ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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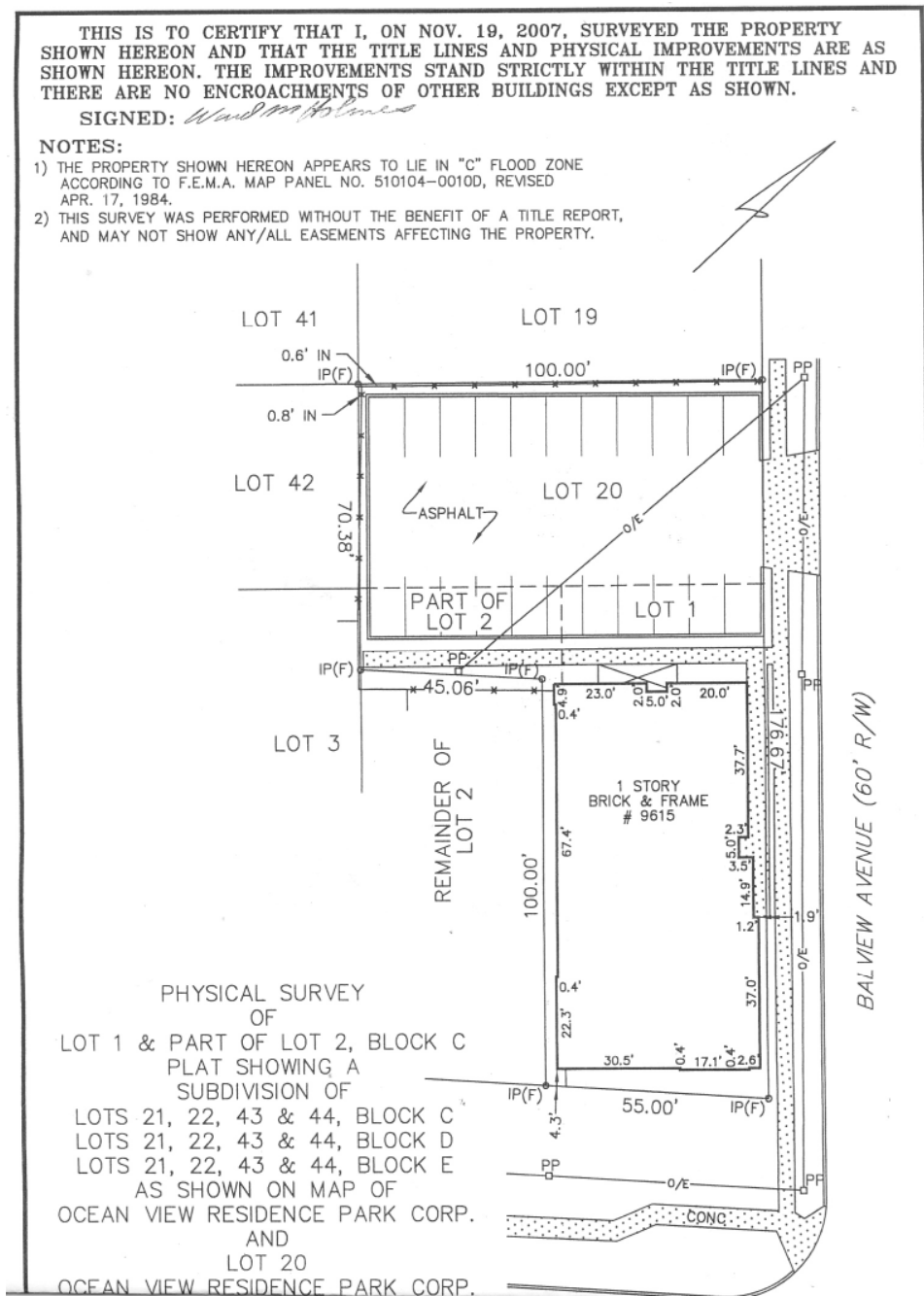
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EXAMPLE

Survey



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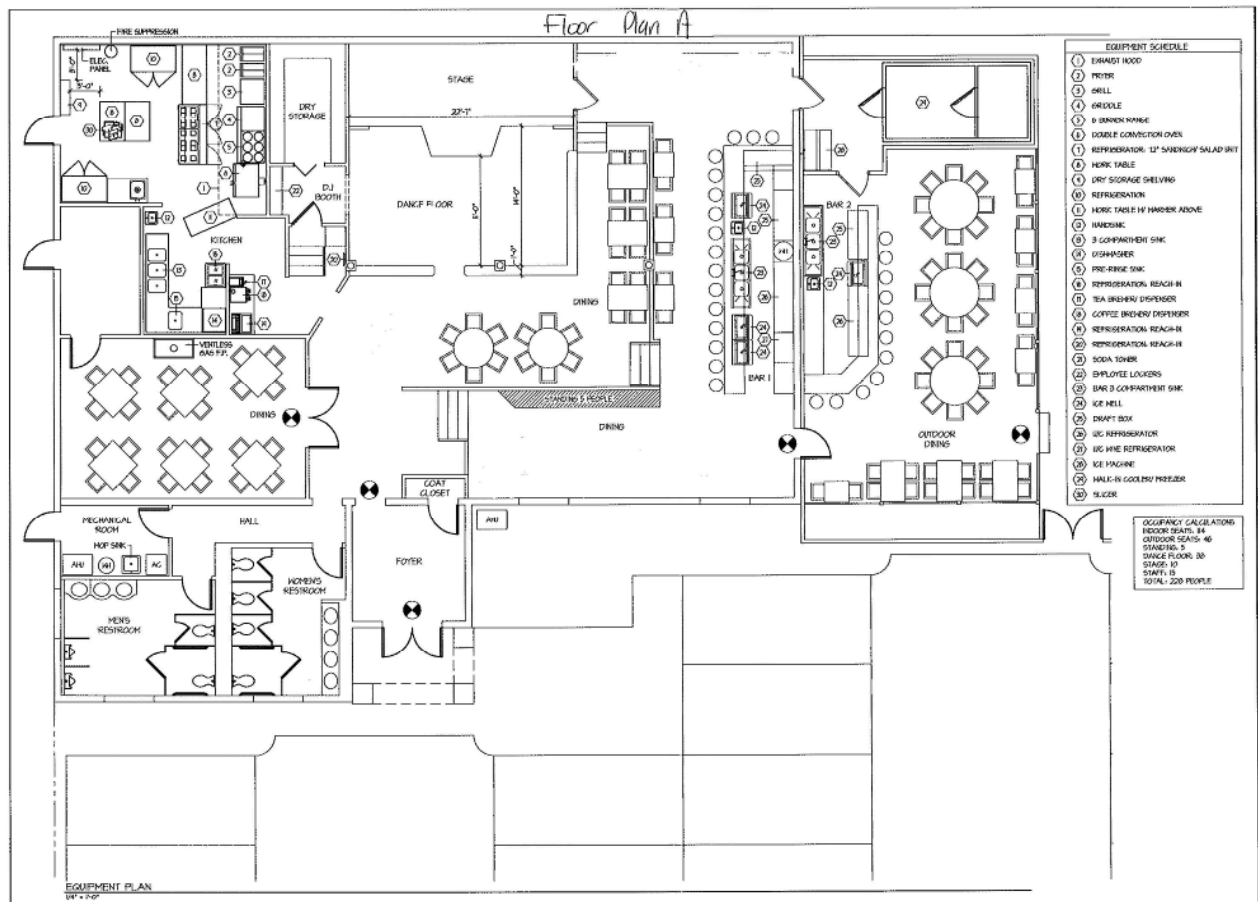
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EXAMPLE

Floor Plan (with entertainment)



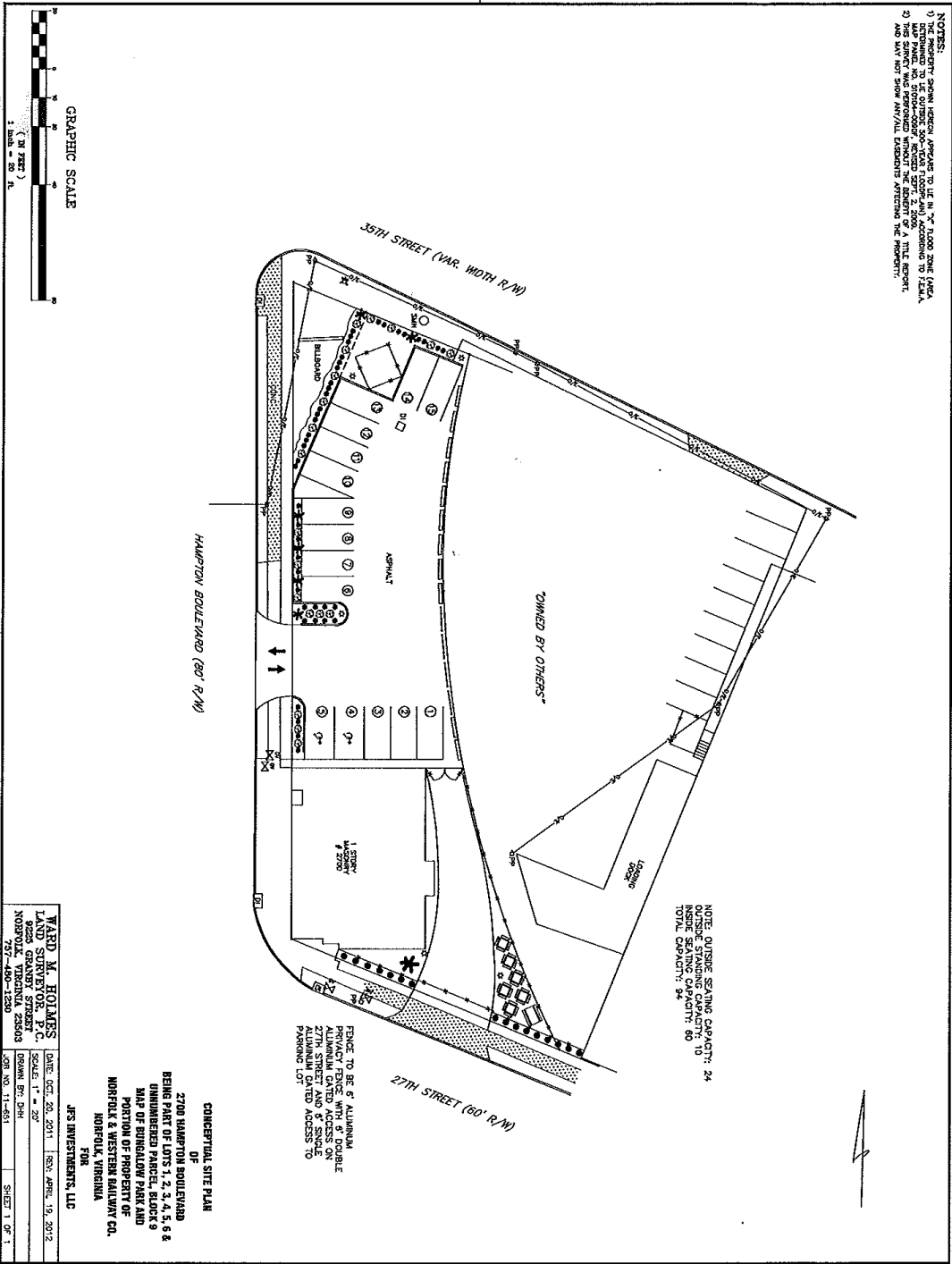
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EXAMPLE

Conceptual Site Plan



Example

SECURITY PLAN OF [NAME OF BUSINESS OWNER] FOR [NAME OF BUSINESS [STREET ADDRESS] Norfolk, VA [ZIP CODE]

Definition of “Security”

se·cu·ri·ty – noun

1. freedom from danger, risk, etc.; safety.
2. freedom from worry, anxiety, or doubt; well-founded confidence.
3. something that secures or makes safe; protection; defense.
4. precautions taken to guard against crime, attack, etc.

Goals:

- [List all goals of security plan]
- [Example: To create a safe and secure environment within [name of business] patrons.]
- [Example: To provide a level of control and safety for all arriving and departing guests of [name of business].]
- [Example: To mitigate any noise or inappropriate conduct by patrons of [name of business] entering or leaving the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.]
- [Example: To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The [name of business] staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety of members of the public.]
- [Example: To ensure a complete, orderly, safe, and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.]
- [Example: To protect and promote the courteous, inviting, and hospitable character of the neighborhood and the City of Norfolk generally.]

Features of the Plan:

Security Team:

[Describe the basic nature of the security plan, including use of security firm and/or staff members. If a security firm is used, name the firm or firms.]

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Rules and Regulations:

[Describe the nature of any dress code, age limit, code of conduct, and restrictions on carrying controlled substances, guns, knives, Tasers®, or any item which may be used as a weapon. This description should include an explanation of how each of these policies is to be enforced against patrons in violation.]

[Describe how drink limits are enforced and how intoxicated patrons are to be handled. Describe how unruly patrons are to be handled. If the facility is a smoke-free restaurant, describe how patrons who violate the smoking prohibition are handled.]

Access:

[Discuss how pedestrian and vehicular traffic to and from the facility or its parking area will be managed.]

Integration:

[Explain how the business will interface or cooperate with law enforcement in situations which either involve the possible commission of a crime or which warrant police intervention. Also address any cooperative efforts to work with neighboring entertainment establishments to address issues which might come up between business or in the public areas immediately adjacent to the businesses.]

[Title:]

[As necessary, list any other features unique to the security plan or the facility which warrant special mention.]

Uniform for Security Team

Uniforms are intended to help patrons, law enforcement, and emergency responders readily identify who from the facility is designated as responsible for maintaining security and empowered to implement or impose the facilities rules and regulations.

[Describe who will be wearing a uniform and what articles of clothing will be required. If different members of the security and/or staff team will wear different uniforms, describe each type of uniform and explain reasons why multiple uniforms are necessary. **PLEASE NOTE: Virginia law does not permit any person who is not certified by the Department of Criminal Justice Services to wear any article of clothing identifying himself as "Security."** This means that staff members who are hired by the facility in order to provide security may not display "Security" on their person. A designation of "Staff" is acceptable.]

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Security Team:

Personnel:

[Describe the composition of the security and/or staff team, indicating the title of each position, the number of persons assigned to each position and the duties and responsibilities of each position.]

- [Example: 1 Security Team Leader]
- [Example: At least 1 Door Security Person. Whenever occupancy exceeds 250 persons or the queue of patrons waiting to be admitted exceeds 25, at least 2 Door Security Persons.]
- [Example: At least 2 Roving Security Person. Whenever occupancy exceeds 500 persons, at least 3 Roving Security Persons.]

At all times, at least one of the persons in each of the designated positions shall be certified by the Virginia Department of Criminal Justice Services (DCJS).

General Duties and Responsibilities:

[Describe the general duties applicable for all security team members.] [Example: Each member of the Security Team will be trained to set up and control queuing in accordance with any floor plans approved through the City's special exception process. All members shall work in concert to maintain order within the facility and outside in the immediate surroundings so as to prevent any activity which would interfere with the quiet enjoyment of nearby property owners or leaseholders.]

[Example: All team members will coordinate with any personnel who may be hired by the property owner to provide security immediately outside of the facility and will be responsible for communicating wait times and cut-offs for any prospective patron queuing up to gain entry.]

[Example: All team members will be knowledgeable of each other's duties and responsibilities so as to be able to assist one another whenever necessary.]

[Example: IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES FROM ANY AND ALL PERCEIVED AND REAL THREATENING SITUATIONS.]

[Example: Security Team Leader:]

- [Enumerate each duty which falls exclusively within the role of this position.]
- [Example: Supervise all other security team members and monitors all members' compliance with this Security Plan.]
- [Example: Enforce occupancy limits in accordance with any floor plans approved through the City's special exception process. The Leader may rely on information about the number of patrons entering and leaving the facility that might be gathered by other members of the security team.]
- [Example: Report directly the facility's manager.]

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- [Example: Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits.]
- [Example: Liaison to state and city enforcement officers and emergency responders.]
- [Example: Coordinate configuration of the floor plan on a daily basis under the direction of the General Manager and in accordance with any floor plans approved through the City's special exception process.]
- [Example: Provide or arrange security accompaniment for employees departing at the end of their shift.]
- [Example: During emergency evacuation, ensure that all security team members are properly executing emergency duties and responsibilities.]
- [Example: Maintain CPR certification.]

[Example: Door Security:]

- [Enumerate each duty which falls exclusively within the role of this position.]
- [Example: Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining a clear egress.]
- [Example: Control access to the venue.]
- [Example: Check for proper identification of patrons seeking admission.]
- [Example: Enforce dress code, age limitation, legitimacy of identification cards (watching out for counterfeit IDs) and code of conduct.]
- [Example: Enforce restrictions on contraband by employing one or more of the following techniques: searching of bags/purses, metal-detector wands, pat-downs, walk-through metal detectors.]
- [Example: Keep count all persons entering and leaving the club.]
- [Example: During emergency evacuation, direct patrons out of exits and to a location far enough from the building to be safe and to allow room for other patrons to continue to move away from the building and assemble.]
- [Example: Maintain security presence in restroom corridor.]
- [Example: Maintain CPR certification.]

[Example: Stationary and Roving Security:]

- [Enumerate each duty which falls exclusively within the role of this position.]
- [Example: Monitor continual compliance with Virginia ABC regulations.]
- [Example: Identify and address hazards as they arise throughout the facility.]
- [Example: Maintain security around bar area(s).]
- [Example: Maintain security in restroom corridor.]
- [Example: Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits.]
- [Example: Regularly check emergency exits to ensure they are clear and accessible.]
- [Example: During emergency evacuation, report to stairway in Zones E and F (see below) to direct those in dance floor and stage areas to use rear exits.]
- [Example: Maintain CPR certification.]

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Communication:

[Describe technology and protocols to be used to enable security team members as well as facility managers to communicate during different types of events and emergencies.]

[Example: Security Team members will carry a hand-held radio (i.e. walkie-talkie).

Surveillance attachments (ear piece/microphone) will be utilized as warranted, particularly for personnel who need to have both hands free in order to execute their responsibilities. The Security Team Leader will monitor all radio traffic. Flashlights will be utilized by all security staff members as a back-up form of communication inside the facility whenever the situation warrants.]

Electronic Security:

[Describe technology and protocols to be used monitor activity inside and outside the facility, including the location of cameras, microphones, closed-circuit television monitors, staff assigned to watch monitors, storage and reuse of videotapes or digital storage media. Also describe any alarm systems, including security systems and fire/smoke/carbon monoxide systems, identifying the location of sensors in and around the building. If recorded data will be made available to law enforcement in the event of an investigation, describe how readily the data will be made available, in what formats, and who will be responsible for working with authorities.]

Emergency Evacuation Plan:

[Describe how the facility is to be evacuated in case of an emergency, using a diagram if possible. Indicate which members of the Security Team will be responsible for ensure the orderly and complete evacuation of each portion of the interior. Describe where exiting patrons will be directed to assemble once they are a safe distance from the building. Describe contingent plans in the event one or more of the exits are blocked.]

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Exhibit A – Floor Plan(s) Worksheet

Entertainment Establishment

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 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) _____

Number of bar seats _____

Standing room _____

b. Outdoor

Number of seats _____

c. Number of employees

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = _____

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☐ Yes ☐ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.